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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO.   |
|---|-------------|----------------------|----------------------|--------------------|
| 10/606,268  | 06/25/2003  | Eric N. Smith        | A02140WO (98670.1WO) | 3380               |
| 22920   | 7590        | 06/30/2004           | EXAMINER             |                    |
| GARVEY SMITH NEHRBASS & DOODY, LLC<br>THREE LAKEWAY CENTER<br>3838 NORTH CAUSEWAY BLVD., SUITE 3290<br>METAIRIE, LA 70002 |             |                      |                      | SWINEHART, EDWIN L |
| ART UNIT  |             | PAPER NUMBER         |                      |                    |
|   |             | 3617                 |                      |                    |

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

P4

|                              |                                 |                         |
|------------------------------|---------------------------------|-------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>          | <b>Applicant(s)</b>     |
|                              | 10/606,268                      | SMITH ET AL.            |
|                              | <b>Examiner</b><br>Ed Swinehart | <b>Art Unit</b><br>3617 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-54 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

1. Claims 15 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15, the parenthetical statement renders the metes and bounds of the claim difficult to determine.

Claim 46 depends from itself.

2. Claims 20-26 and 47 are objected to, as such relies upon structure (the valves, the bends, etc.) which had not previously been set forth. Correction is required.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 48 is rejected under 35 U.S.C. 102(b) as being anticipated by Stenning et al. '383.

Stenning et al. is discussed below.

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5. Claims 48,49,53 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Bishop et al.

Bishop et al. discloses the claimed invention, including a pipeline system disposed with a buoyant module (ship), and such pipeline resting on supports. The pipe line is considered to include the manifolding, which provides the claimed "bends".

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7,10-12,14-19,27-31,33-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al. in view of Stenning et al. '383.

Cushing et al. discloses the field of the invention, including a heavy lift ship having a weather deck upon which barges containing natural gas are loaded and unloaded. Transference of the cargo to a selected facility is an inherency. Cushing et al. fails to disclose the arrangement of pipeline layers as claimed.

Stenning et al. teaches a module for transferring natural gas, comprising an interior having a pipeline arranged such that there are alternating straight and bend sections. The pipeline provides support for the layer thereabove, and furthermore the stacked arrangement of modules provides support as well.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the interior of the barges of Cushing et al. with supported pipe as taught by Stenning et al.

Such a combination would have been desirable at the time the invention was made so as to provide for an inexpensive storage module.

Re claim 6, the depth to which the ship is immersed to receive its cargo is considered to have been an obvious design consideration, obvious to the ordinary routineer working in the art, and providing no unexpected results.

Certain of the claims containing only apparatus limitations, such claims depending from method claims, have been accorded no weight. For example, claims 33-40 and 47-54.

Claims 15-19 are directed to method of making, which carries no weight in these method of transporting claims.

8. Claims 1,8,9,13,20-26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Kirby et al.

Campbell teaches an LNG transport module, inherently having internal piping, and provided with wheels for ease in transport. Ship transport of the wheeled module as claimed has not been disclosed.

Kirby et al. Teaches a ballastable transport ship, which can be ballasted to permit cargo to be loaded and unloaded directly from pier/land.

It would have been obvious to one of ordinary skill in the art at the time of the invention to transport the LNG modules of Campbell within a ship as taught by Kirby et al.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in transport of the modules where needed.

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Re claims 20-26, such fail to further limit the method of transporting, and have been accorded no weight in the claims.

9. Claims 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop et al.

The material of construction for the cradles would have been an obvious design consideration to the ordinary routineer working in the art at the time of the invention, providing no unexpected results.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 703-308-2566. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ed Swinehart

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Primary Examiner  
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